

FILED

MAY 07 2001

CLERK OF COURT
HENRY COUNTY, INDIANA
John L. Lattin

STATE OF INDIANA)
) SS:
COUNTY OF HENRY) AVC NO. 01-027

IN RE: FOUR STAR AUTO PLACE,)
 INC.,)
) MISCELLANEOUS DOCKET
) ~~N33C01- 0105- MI -~~ 031
) Respondent.

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Terry Tolliver, and Respondent, Four Star Auto Place, Inc., enter into this Assurance of Voluntary Compliance (Assurance), pursuant to Indiana Code §24-5-0.5-7.

Any violation of the terms of this Assurance constitutes prima facie evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law and upon consent of the parties.

The parties agree:

1. Respondent is an Indiana corporation engaged in the sale of automobiles with a principal place of business in Henry County at 1503 South Memorial Drive, New Castle, Indiana, and transacts business with Indiana consumers.
2. The terms of this Assurance apply to and are binding upon Respondent, its employees, agents, representatives, successors, and assigns.
3. Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of Ind. Code §4-6-9-4 and Ind. Code §24-5-0.5-1 *et seq.*

4. Respondent will refrain from making and shall not make, cause to be made, or permit to be made, expressly or by implication, any representation, orally or in writing, regarding its ability to deliver certificates of title for motor vehicles to vehicle purchasers unless Respondent actually intends to provide and, in fact, provides consumers with motor vehicle certificates of title as represented.

5. Respondent will immediately comply with all provisions of Ind. Code §9-17-3-3, including but not limited to:

- a. endorsing the certificate of title for a vehicle which is sold or has ownership transferred by Respondent;
- b. delivering the endorsed certificate of title to the purchaser or transferee at the time of sale or delivery;
- c. if the conditions under Ind. Code §9-17-3-3(a)(4) (A-D) are met, delivering the endorsed certificate of title to the purchaser or transferee within twenty-one (21) days after the date of sale.

6. Respondent will immediately comply with all provisions of Ind. Code §9-18-26-10 and 140 IAC 3.5-2-15, including but not limited to, issuing no more than one interim license plate to a motor vehicle purchaser

7. Respondent will refrain from making and shall not make, cause to be made, or permit to be made, expressly or by implication, any representation, orally or in writing, that the sale of a motor vehicle includes a warranty, extended warranty or service contract, unless Respondent intends to provide and provides the warranty, extended warranty or service contract as represented.

8. Upon execution of this Assurance, Respondent shall pay costs in the amount of Five Hundred Dollars (\$500.00) to the Office of the Attorney General.

9. Respondent shall not represent that the Office of the Attorney General approves or endorses Respondent's past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

10. Respondent shall fully cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.

11. The Office of the Attorney General shall file this Assurance with the Circuit Court of Henry County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

DATED this 3rd day of May, 2001.

STATE OF INDIANA

RESPONDENT

STEVE CARTER
Indiana Attorney General

FOUR STAR AUTO PLACE, INC.

By

Terry Tolliver
Terry Tolliver

Deputy Attorney General
Atty. No. 22556-49
Office of Attorney General
402 W. Washington, 5th Floor
Indianapolis, Indiana 46204
Telephone: (317) 233-3300

By

Donna Drape

Printed Name Donna Drape

Title pres

APPROVED AND ORDERED, this 2 day of May, 2001.

FILED

MAY 09 2001

Linda S. Kitchell
CLERK HENRY CIRCUIT COURT

[Signature]
Judge, Henry County Circuit Court